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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q67267

Aji KUSUYAMA

Appln. No.: 09/980,632

Group Art Unit: 1711

Confirmation No.: 8156

Examiner: Patricia H. Hightower

Filed: December 5, 2001

For: ANAEROBICALLY CURABLE COMPOSITION

**RESPONSE UNDER 37 C.F.R. § 1.111**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This response is to the Office Action mailed September 9, 2002. The Examiner set a three month period for response, making this response due on or before December 9, 2002.

Claims 1-4 are pending.

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by McArdle et al. (USP 5,411,998).

Applicants submit that this rejection should be withdrawn because McArdle et al. does not disclose or render obvious the anaerobically curable composition of the present invention.

Specifically, the onium salt used in the invention of McArdle et al. is completely distinct from the salt for use in the anaerobic composition of the present invention.

The anaerobic composition claimed in the present application comprises, *inter alia*, a salt selected from the group consisting of sodium salts, potassium salts and calcium salts of weakly acidic substances. The salt for use in the present invention is formed from a cation selected from

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sodium, potassium and calcium ions, and an anion given by dissociation of  $H^+$  from a weak acid.

Sodium salts, potassium salts and calcium salts of weakly acidic substances are not onium salts.

“Onium” is generally defined as “a usually complex cation,” for example, a quaternary ammonium ion. See, for example, McArdle et al. at col. 2, lines 3-65; col. 3, line 20 to col. 4, line 7.

McArdle et al. discloses an anaerobic composition comprising a polymerizable monomer, a peroxy free radical initiator, saccharin and at least one onium salt. See McArdle et al.’s Abstract.

The onium salt as used in McArdle et al. is formed from a cation of an onium compound and an anion. Examples of the anion are  $Cl^-$ ,  $BR^-$ ,  $F^-$ ,  $SbF_6^-$ ,  $BF_4^-$  and  $PF_6^-$ . Of these,  $Cl^-$ ,  $BR^-$ ,  $F^-$  and  $BF_4^-$  are anions given by dissociation of  $H^+$  from strong acids (it is not clear to the Applicant what kind of anions  $SbF_6^-$  and  $PF_6^-$  are).

Thus, firstly, the cation in McArdle et al. is completely different from the present invention. Furthermore, the anion in McArdle et al. is not an anion of a weak acid as in the present invention. Therefore, the salt for use in the present invention is not disclosed by McArdle et al..

Thus, McArdle et al. does not disclose or anticipate the presently claimed invention. In addition, McArdle et al. is silent on the use of sodium, potassium, or calcium salts of weakly acidic substances. Therefore, McArdle et al. does not provide suggestion or motivation to modify its disclosure by replacing the onium salts of McArdle et al. with sodium, potassium, or calcium salts of weakly acidic substances.


For these reasons, Applicants respectfully submit that the rejection of claims 1-3 based on McArdle et al. should be reconsidered and withdrawn.

Claim 4 is objected to as being dependent upon a rejected base claim.

Applicant notes with appreciation the Examiner's indication that claim 4 would be allowable if rewritten in independent form. Applicant respectfully submits that because claims 1-3 are patentable over McArdle et al. for the reasons explained above, claim 4 is allowable in its present form.

Allowance is respectfully requested.

Respectfully submitted,

  
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